

### City Planning Commission

<p>Department: Community Development</p> <p>Case #SAV-16-003</p> <p>Applicant: Brunow Contracting, LLC 12 Scott Street Council Bluffs, IA 51503</p> <p>Represented by: Tamara Brunow 19556 Deer Run Lane Council Bluffs, IA 51503</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p>	<p>Planning Commission: 05/10/16</p>
<p style="text-align: center;"><b>Subject/Title</b></p> <p>Request of Brunow Contracting, LLC, represented by Tamara Brunow, to vacate the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1<sup>st</sup> Addition. This alley is located south of 12 Scott Street and north of 530 West Broadway.</p>		
<p style="text-align: center;"><b>Background</b></p> <p>Brunow Contracting, LLC, 12 Scott Street, is requesting vacation of the alley abutting their property on the south. They would like to use the right-of-way as "dumpster pad locations and loading/unloading areas for 12 Scott Street". The alley, which is open and improved, measures 11 feet wide and runs northwesterly from Scott Street for 100 feet where it dead-ends into previously vacated alley right-of-way.</p> <p>MidAmerican Energy has commented that they own and maintain significant underground electric distribution facilities in the alley and wish to have continued unobstructed access to those facilities. They request that the alley continue to be maintained and operated as public right-of-way.</p> <p>The Public Works Department has storm sewer lines within the right-of-way and has requested that an easement be retained across the entire width of the alley, if vacated.</p> <p>Three property owners abut the alley requested for vacation. The applicant owns the property abutting on the north at 12 Scott Street and are willing to accept their portion of alley. 535 West Broadway, LLC owns the parking lot to the west and is in favor of the request and willing to accept the south 1/2 of the portion of alley which abuts Lot I.</p> <p>Craiger, LLC, who own the property at 530 West Broadway, being Lots J through M, are opposed to the vacation. A letter from Craig Mead, president of Craiger, LLC is attached which explains his opposition. He has stated, however, they are willing to accept their portion of right-of-way, if the alley is vacated.</p>		
<p style="text-align: center;"><b>Comments</b></p> <ol style="list-style-type: none"><li>1. This right-of-way is open and improved but dead-ends into previously vacated right-of-way.</li><li>2. The owner of 530 West Broadway, which lies south of the alley, is opposed to the vacation.</li><li>3. MidAmerican Energy needs to maintain access to existing facilities located within the right-of-way and has requested that the alley continue to be maintained and operated as public right-of-way. One of the objectives of the "Policy and Procedure for Alley, Street and Right-of-way Vacations" is to protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.</li></ol>		

### **Recommendation**

The Community Development Department recommends denying the request to vacate the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1<sup>st</sup> Addition due to the existing public utilities within the right-of-way and due to the opposition from the property owner abutting the south 1/2 of the alley.

**Attachments:** Letter from Craig Mead and maps showing MEC facilities and requested right-of-way vacation.

**Prepared By:** Rebecca Sall, Assistant Planner, Community Development Department

*Craiger, LLC  
11341 Raleigh Drive  
Omaha, NE 68164*

April 26, 2016

Ms. Rebecca Sall  
Assistant Planner  
Community Development  
209 Pearl Street  
Council Bluffs, IA 51503

Dear Ms. Sall:

I am writing to you concerning the request the Community Development Department has received to vacate the northwesterly/southeasterly alley abutting Lot N and Lots I through M, Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss 1<sup>st</sup> Addition. This alley is located south of 12 Scott Street and north of 530 West Broadway as shown on the attached map.

I am opposed to the proposed public ground vacation. This would have a negative impact on our current business operations. We have owned our building and business since December 2003. We have operated our business in good standing and no problems since acquisition. We see no reason to change at this time.

However, if the proposed public ground vacation were to go forward, we are willing to acquire the portion of right-of-way which adjoins our property.

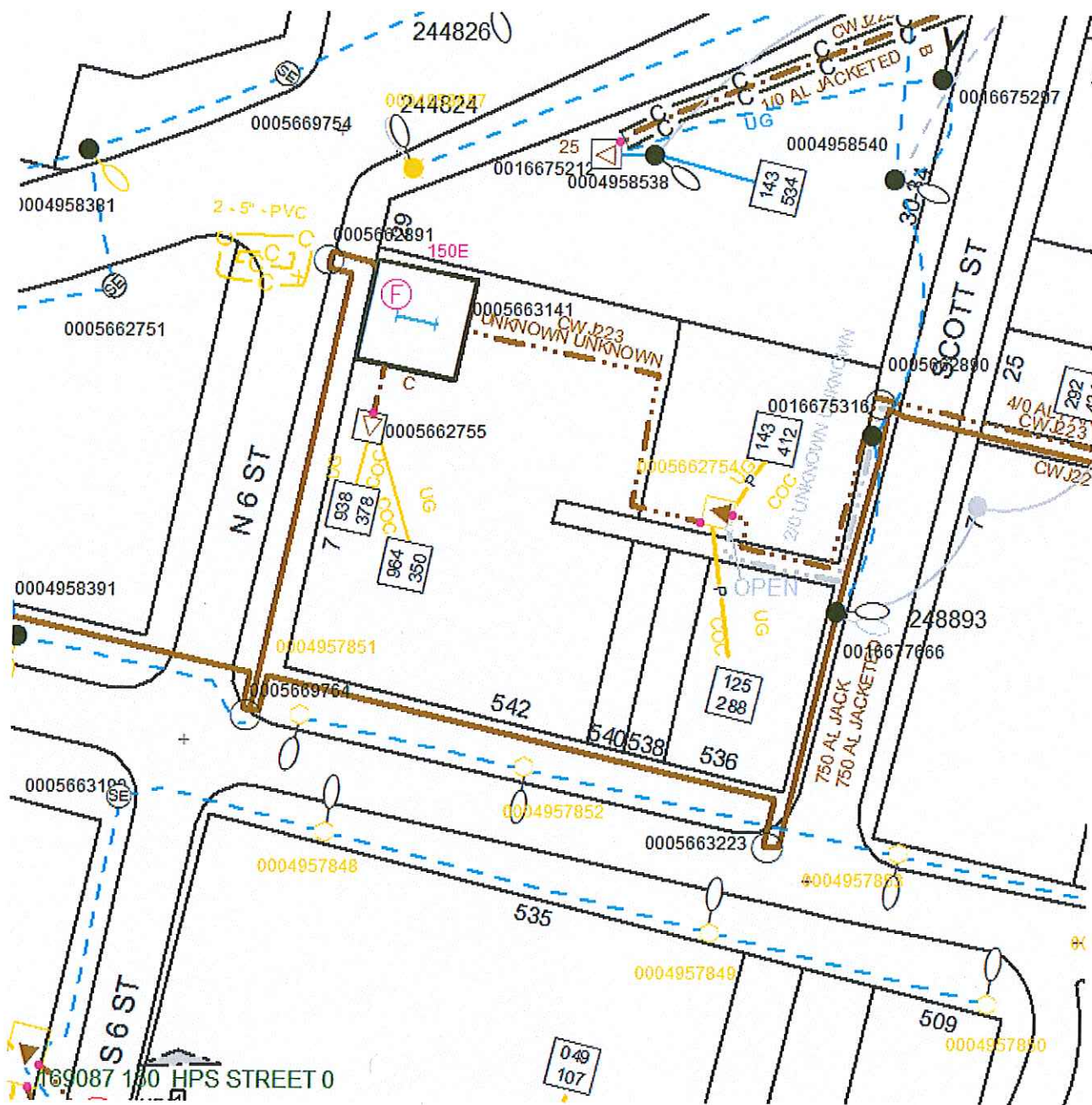
Thank you very much for your assistance in this matter.

Sincerely,



Craig Mead  
President  
Craiger, LLC

COMMUNITY DEVELOPMENT DEPT.  
APR 28 2016  
RECEIVED



EXISTING MIDAMERICAN ENERGY FACILITIES



